

PURSUANT TO A.R.S. SECTION 38-431.01, THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD AN OPEN MEETING IN THE SUPERVISORS' AUDITORIUM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). **ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE MEETING VIA ITV WHICH IS HELD AT 610 E. HIGHWAY 260, BOARD OF SUPERVISORS' CONFERENCE ROOM, PAYSON, ARIZONA.** THE AGENDA IS AS FOLLOWS:

---

## **SPECIAL MEETING - FRIDAY, SEPTEMBER 27, 2013 - 10:00 A.M.**

1. **CALL TO ORDER - PLEDGE OF ALLEGIANCE**
2. **REGULAR AGENDA ITEMS:**
  - A. Information/Discussion/Action to adopt an Order to cancel the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District (PVFD), and to appoint Carol Clark as a new governing board member of the PVFD.  
**(Eric Mariscal)**
3. **CALL TO THE PUBLIC:** Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. SECTION 38-431.03(A)((3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

**ARF-2127**

**Regular Agenda Item 2. A.**

**Special Meeting**

**Meeting Date:** 09/27/2013

**Submitted For:** Eric Mariscal, Elections Director  
**Submitted By:** Marian Sheppard, Clerk, BOS, Clerk of the Board of Supervisors

**Department:** Elections Department

---

Information

Request/Subject

Adoption of an Order to cancel the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District and new member appointment.

Background Information

On July 16, 2013, the Board of Supervisors adopted an Order calling for a Special Recall Election on November 5, 2013, for the Pleasant Valley Fire District. In the Order the replacement site was to be at the Young Public Library. After communications with the Pleasant Valley Fire District it was determined that the replacement site needed to be moved to the Pleasant Valley Community Center.

On September 3, 2013, the Board of Supervisors adopted an Amended Order changing the location of the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District from the Young Public Library to the Pleasant Valley Community Center.

Evaluation

The November 5, 2013, Special Recall Election for the Pleasant Valley Fire District was established by the Board of Supervisors for the purpose of recalling Pleasant Valley Fire District Board Member David Braswell. Since the time the Board of Supervisors adopted an Order for this Special Recall Election, Mr. Braswell resigned from said Board. Also, Carol Cook filed a write-in nomination paper for the Pleasant Valley Board of Directors.

Conclusion

It is necessary for the Board of Supervisors to cancel the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District, and to appoint a new governing board member of the Pleasant Valley Fire District.

Recommendation

The Department of Elections recommends that the Board of Supervisors adopt an Order to cancel the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District, and appoint Carol Clark as a new governing board member of said District.

Suggested Motion

Information/Discussion/Action to adopt an Order to cancel the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District (PVFD), and to appoint Carol Clark as a new governing board member of the PVFD.  
**(Eric Mariscal)**

---

Attachments

Order for PVFD

ARS 16-410



## ORDER

### **AN ORDER OF THE GILA COUNTY BOARD OF SUPERVISORS CANCELLING THE NOVEMBER 5, 2013, SPECIAL RECALL ELECTION FOR THE PLEASANT VALLEY FIRE DISTRICT AND APPOINTING A MEMBER TO THE PLEASANT VALLEY FIRE DISTRICT.**

**WHEREAS**, on July 16, 2013, the Gila County Board of Supervisors adopted an Order calling for a Special Recall Election on November 5, 2013, for the Pleasant Valley Fire District; and,

**WHEREAS**, on September 3, 2013, the Gila County Board of Supervisors adopted an Amended Order for the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District changing the location of the election; and,

**WHEREAS**, A.R.S. § 16-410 (A) states that if the total of the number of persons who file a nomination petition for a candidate and the number of persons who file a nomination paper for a write-in candidate as prescribed by chapter 3, articles 2 and 3 of this title is less than or equal to the number of positions to be filled at the election for which the nomination petition or nomination paper is filed, the county board of supervisors may cancel the election no earlier than seventy-five days before the election and appoint the person or persons who filed the nomination petition or nomination paper to fill the position for the term of office for which the candidate was nominated by the qualified electors; and,

**WHEREAS**, pursuant to the aforementioned Arizona Revised Statutes the Gila County Board of Supervisors shall appoint the person who filed a write-in nomination paper for the Pleasant Valley Fire District governing board of directors; and

**WHEREAS**, each person appointed pursuant to the aforementioned Arizona Revised Statutes is fully vested with the powers and duties of the office as if elected to that office.

**NOW, THEREFORE, BE IT ORDERED** that the Gila County Board of Supervisors does hereby cancel the November 5, 2013, Special Recall Election for the Pleasant Valley Fire District; and,

**BE IT FURTHER ORDERED** that the Gila County Board of Supervisors does hereby appoint the following person to serve as a member of the Pleasant Valley Fire District Governing Board: Carol Clark.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of September 2013, at Globe, Gila County, Arizona

Attest:

**GILA COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Marian Sheppard, Clerk of the Board

\_\_\_\_\_  
Michael A. Pastor, Chairman

ARS TITLE PAGE	NEXT DOCUMENT	PREVIOUS DOCUMENT
----------------	---------------	-------------------

16-410. Cancellation of certain elections; appointment to office; filling vacancies

A. Notwithstanding any other law, in any election that is to be held pursuant to title 15, title 48 or section 16-822, if the total of the number of persons who file a nomination petition for a candidate and the number of persons who file a nomination paper for a write-in candidate as prescribed by chapter 3, articles 2 and 3 of this title is less than or equal to the number of positions to be filled at the election for which the nomination petition or nomination paper is filed, the county board of supervisors may cancel the election no earlier than seventy-five days before the election and appoint the person or persons who filed the nomination petition or nomination paper to fill the position for the term of office for which the candidate was nominated by the qualified electors.

B. A person who is appointed pursuant to subsection A of this section is fully vested with the powers and duties of the office as if elected to that office.

C. If no nomination petitions for a candidate and no nomination papers for a write-in candidate have been filed to fill the position for which the election was being held, the position is deemed vacant and shall be filled in accordance with laws governing the filling of those vacancies.

D. Canceled elections shall not appear on any ballot, but if a withdrawal or disqualification of one or more candidates results in the cancellation of an election after the ballots have been printed, the results of any vote for that office shall not be canvassed.